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*Government Notice No. 113 of 2018*

**THE MERCHANT SHIPPING ACT**

**Regulations made by the Minister under section 228 of  
the Merchant Shipping Act**

1. These regulations may be cited as the Merchant Shipping (Weight Verification of Containers) Regulations 2018.
2. In these regulations –
  - “accredited calibration laboratory” means a calibration laboratory accredited by the Mauritius Accreditation Service, established under the Mauritius Accreditation Service Act;
  - “Act” means the Merchant Shipping Act;
  - “authorised organisation” means a classification society as defined under the Act;
  - “CSC” means the International Convention for Safe Containers 1972;
  - “container” –
    - (a) means an article of transport equipment –
      - (i) of a permanent character and accordingly strong enough to be suitable for repeated use;
      - (ii) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
      - (iii) designed to be secured and/or readily handled, having corner fittings for these purposes;

(iv) of a size such that the area enclosed by the 4 outer bottom corners is –

(A) at least 14 square metres; or

(B) at least 7 square metres if it is fitted with top corner fittings; and

(b) includes a container carried on chassis; but

(c) does not include a vehicle or packaging;

“gross mass” means the combined mass of a container’s tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container;

“shipper” means the legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document as shipper and/or who or in whose name or on whose behalf, as the case may be, a contract of carriage is concluded with a shipping company;

“shipping document” means –

(a) the document used by the shipper to communicate the verified gross mass of the packed container; and

(b) this document may be part of the shipping instructions to the shipping company or a separate communication;

“short international voyage” means an international voyage –

(a) in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and

(b) which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974;

“verified gross mass” means the total gross mass of a packed container as obtained by one of the methods specified in regulation 5(1).

### **3. Application**

These regulations shall apply to –

- (a) cargo carried in a container, except for containers carried on chassis or a trailer when such containers are driven on or off a ro-ro ship engaged in short international voyages; and
- (b) new and existing containers used in international transport, excluding containers specially designed for air transport.

### **4. Testing, inspection and approval of containers**

(1) An effective procedure for the testing, inspection and approval of containers shall be established in accordance with the criteria established in CSC.

(2) The testing, inspection and approval of containers may be entrusted to such organisations as may be prescribed.

### **5. Duty of shipper**

(1) The shipper shall verify the gross mass of every packed container to be loaded on board a ship in a Mauritius port by –

- (a) weighing the packed container using an assized, calibrated or certified weighing instrument; or
- (b) weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material

to be packed in the container and adding the tare mass of the container to the sum of the single masses, using assized or calibrated weighing instruments.

(2) The shipper of a container shall ensure the verified gross mass is stated in the shipping document.

(3) Where a shipper operates in accordance with a quality management system or such updated standards as are applicable from time to time, which include documented procedures to satisfy the weighing requirement, it shall be deemed to have demonstrated its competence to use the weighing method specified in paragraph (1)(b).

## **6. Packing by third party**

(1) Any third party that has performed some or all of the packing of the container shall determine the mass of all the items that has been loaded into the container using identifiable assized or calibrated weighing instruments.

(2) The third party referred to in paragraph (1) shall –

- (a) properly document the process of determining the mass of the container; and
- (b) provide such documents to the shipper in order to facilitate the final verification of the gross mass of the packed container;
- (c) any third party that has performed some or all of the packing of a container shall provide the shipper with the information specified in the First Schedule.

## **7. Shipping document**

(1) The shipping document shall be –

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- (a) signed by such person as the shipper may authorise; and
  - (b) submitted to the master or his representative and to the terminal representative sufficiently in advance to be used in the preparation of the ship stowage plan.

(2) Where the shipping document, with regard to a packed container, does not provide the verified gross mass and the master or his representative and the terminal representative have not obtained the verified gross mass of the packed container, the container shall not be loaded on to the ship.

(3) The shipping document may be provided by electronic means.

## **8. Registration of service providers**

(1) Every service provider shall where the following service providers are available, apply for registration to the Director –

- (a) operating weighbridges duly assized under the Legal Metrology Act for the verification of the Gross Mass of packed containers for the purpose of regulation 5(1)(a);
- (b) operating weighbridges calibrated and/or certified by such competent institution, as may be applicable, for the verification of the Gross Mass of packed containers for the purpose of regulation 5(1)(a);
- (c) operating weighing equipment duly calibrated by an accredited calibration laboratory;
- (d) providing their services with respect to the weighing method specified in regulation 5(1)(b) and shall be operating in accordance with a quality management

system or such updated standards that are, from time to time, applicable.

(2) The register of service providers may consist of manual or electronic records or such other records as the Director may consider expedient.

(3) Where the registered service provider has made use of the weighing method as per regulation 5(1), the registered service provider shall, as set out in the Second Schedule, provide a weighing certificate containing the minimum information to the shipper.

## **9. Registration of shippers**

(1) Every shipper who –

- (a) makes use of weighbridges duly assized under the Legal Metrology Act for the verification of the gross mass of packed containers for the purpose of regulation 5(1)(a);
- (b) makes use of weighbridges calibrated and/or certified by such competent institution as may be applicable, for the verification of the gross mass of packed containers for the purpose of regulation 5(1)(a); or
- (c) operates in accordance with a quality management system or such updated standards that are, from time to time, applicable,

shall apply for registration to the Director.

(2) The Register may consist of manual or electronic records or such other records as the Director may determine.

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**10. Threshold for compliance with verified gross mass**

There may be, for compliance and enforcement purposes, a variation of a maximum of 5 per cent in the verified gross mass of a loaded container.

**11. Enforcement**

The Director or any officer authorised by the Director may carry out such inspections or audit as may be necessary to determine whether these regulations are being complied with.

**12. Record of information under Chapter VI/2 of SOLAS**

The shipper shall, as specified in the Third Schedule, keep records of the information under Chapter VI/2 of SOLAS for the purpose of verification.

**13. Communication and information under Chapter VI of SOLAS**

The Director may, from time to time, take appropriate steps to issue guidance, on the implementation of Chapter VI of SOLAS, in form of notice to mariners which may be communicated by such means as he may determine.

**14. Offence**

Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

**15. Commencement**

These regulations shall come into operation on 1 October 2018.

Made by the Minister on 13 September 2018.

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**FIRST SCHEDULE**

[Regulation 6(2)(c)]

**INFORMATION TO BE PROVIDED BY A THIRD PARTY  
TO A SHIPPER**

Name of shipper .....

Address of shipper .....

Type of commodity .....

Container number\* .....

Number of packages .....

Marks and numbers .....

Booked on vessel .....

ETD .....

Total weight (in kgs) of goods to be shipped .....

Tare weight of container (in kgs)\* .....

Total Gross Mass (in kgs)\* .....

Weight verified by shipper                      Yes       No   Weight verified by approved third party    Yes       No   

If yes state name of party\*\* .....

Name of person making declaration .....

I/we the undersigned, authorised to sign the verified Gross Mass Declaration Form related to SOLAS, do confirm that the information provided in this form are correct.

.....  
Name

.....  
Date

.....  
Signature

.....  
Company seal

\* Not applicable for LCL shipper

\*\* Please attach approved third party's weight certificate



**SECOND SCHEDULE**

[Regulation 8(3)]

**MINIMUM INFORMATION TO BE PROVIDED BY SOLAS REGISTERED WEIGHBRIDGE/WEIGHING INSTRUMENT SERVICE PROVIDER IN A WEIGHING CERTIFICATE**

Name of shipper .....

Address of shipper .....

Telephone no. .... Mobile no. ....

Email address.....

Date and time of weighing ..... at .....

Size of container\* TEU  FEU  Other 

Seal no. ....

Lorry/truck no. ....

Trailer no. ....

Tare container .....

Tare lorry/truck .....

Tare trailer .....

Total weight\* .....

Verified gross mass\*\* .....

SOLAS registration no. of service provider .....

\* *Total weight = tare truck + tare trailer + tare container + weight of packed goods in a container*\*\* *Verified Gross Mass (VGM) = Total weight – Tare Truck – Tare Trailer**or**Verified Gross Mass (VGM) = Tare Container + Weight of packed goods in a container*

**THIRD SCHEDULE**

[Regulation 12]

**INFORMATION ABOUT VERIFIED GROSS MASS OF PACKED CONTAINERS AS SPECIFIED IN SOLAS VI/2**

S/N.	General	Information Required
1.	Name of Shipper	
2.	Shipper Registration/Licence No.	
3.	Name, designation and contact details of person authorised by the Shipper to sign document.	
4.	Transporter name and Vehicle registered No.	
5.	Container No.	
6.	Container Size (TEU/FEU/Other)	
7.	Container Type (Normal/Reefer/Hazardous)	
8.	If Hazardous Type, UN No. IMDG class	
9.	Container Seal No.	
10.	Maximum permissible weight of container as per the CLC plate	
11.	Verified Gross Mass of container	
	<b>Method 1</b>	<b>Method 2</b>
12.	Name and Address of weighbridge Operator	<b>Quality Management Certificate</b>
13.	Name of Person in charge of weighbridge	Certificate No: Valid until:
14.	Date and time of weighing	Name of issuing Body:
15.	Weighing slip no.	<b>Assized/ Calibration certificate of weighing instrument</b>
16.	Weighbridge: Manufacturer: Model: Serial No:	Certificate No: Valid until:
17.	Assized/Calibration Certificate of weighbridge issued by Legal Metrology Services Certificate No: Valid until:	Name of issuing Body: